

REMARKS

Formal Matters

Claims 1-23, 25, 28-39, 42-55 and 57-81 remain in this application. Claims 24, 26, 27, and 56 were previously canceled, while claims 40 and 41 are presently canceled. Claims 1-23 and 29-38 have been withdrawn as the result of an earlier restriction requirement, but are pending reconsideration by the Examiner for rejoinder with non-withdrawn Claims 25, 28, 39, 42-55, 57-81. No new matter is added by the amendments.

In view of the Examiner's earlier restriction requirement, applicants retain the right to present withdrawn and/or canceled subject matter in subsequent prosecution.

The Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 25, 28, 39-55 and 57-81 are rejected under 35 U.S.C. § 112, Second Paragraph, allegedly as failing to comply with the written description requirement.

Specifically, the Examiner asserts that the specification does not teach first or second polypeptides that comprise both protuberances and cavities, simultaneously or concurrently.

In response, Applicants disagree that the specification does not describe first or second polypeptides comprising both protuberances and cavities. For example page 8, line 25 refers to Figure 4 for a schematic of the strategy. The third and fourth "double mutants" depicted in the Figure specifically describe more than one protuberance/hole in the first and second polypeptide as well as both protuberances and holes in both the first and second polypeptide. Moreover, the description of "protuberance" (at page 19, lines 12-24), as well as "cavity" (page 21, line 8 to page 22, line 2) each clearly describe "that there can be more than one original and corresponding important residues." Continuing, Figure 5 shows the interface residues of the constant domains of IgG, IgA, IgD, IgE and IgM immunoglobulins. The optimal residues designated for interface engineering are in bold. Each Ig identified in the figure clearly identifies multiple residues. Finally, the Example, page 63, lines 6-18 describes multiple "protuberance/cavity" pairs in the first and second polypeptides.

As a result, in light of the explicit depiction of each polypeptide of the interface comprising both a protuberance and cavity in Figure 4, the description given in the definition of protuberance and cavity in the

specification, the example as well as the specification as whole, one of ordinary skill would clearly recognize that Applicants have demonstrated possession of the first and second polypeptides each comprising both protuberances and cavities.

Applicants respectfully request reconsideration and withdrawal of the rejection of Claims 25, 28, 39-55 and 57-81 under 35 U.S.C. § 112, First Paragraph.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 40-41 are rejected under 35 U.S.C. § 112, Second Paragraph, allegedly as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

In response, Applicants respectfully submit that the cancellation of the rejection claims renders the rejection moot.

SUMMARY

Claims 1-23, 25, 28-39, 42-55 and 57-81 are pending in the application. Claims 40-41 are presently canceled without prejudice to later prosecution.

If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This response/amendment is submitted with a transmittal letter and petition for a Three-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

GENENTECH, INC.

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By 

Craig G. Svoboda

Reg. No. 39,044

Telephone No. (650) 225-1489

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